



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993

MEETING DATE: October 6, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council reschedule the public hearing to October 20, 1993.

BACKGROUND INFORMATION: At its regular meeting of September 1, 1993, the City Council adopted a resolution of intention to vacate an alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane, reserving, however, and excepting from the vacation, a permanent easement and right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley; and referred the matter to the Planning Commission to make the finding that there is no public need for this alley right of way.

Pacific Bell, King Videocable, PG&E, and City of Lodi utilities have all indicated the proposed abandonment is acceptable if it is approved on the condition that a permanent easement be reserved as indicated above.

The west 160.76-foot portion of this alley has never been improved (dirt) and has never been opened to vehicular traffic. In addition, the alley has been an ongoing maintenance problem for trash removal and weed abatement. City staff initiated this alley abandonment in an effort to eliminate these maintenance costs.

The Planning Commission was scheduled to hear this matter at its meeting of September 27, 1993. However, due to the number of properties involved, and the fact that the posting of the property did not specify the date the Planning Commission was going to meet and discuss this matter, the Planning Commission continued the discussion to its next meeting of October 11, 1993. We are, therefore, notifying all of the property owners involved, by sending them a copy of this Council Communication, that the proposed public hearing is being rescheduled to October 20, 1993. It is requested that these property owners provide input to the Planning Commission, on October 11, 1993, whether or not they desire the existing alley right of way to be abandoned.

APPROVED

THOMAS A. PETERSON
City Manager

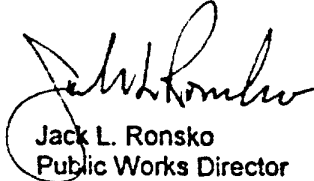


recycled paper

Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of
East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993
October 6, 1993
Page 2

In the past, the property owner notification was provided only to meet the requirements of the law. In the future, in addition to posting the property, a letter will also be sent to each property owner involved. This letter will include not only the date of the Council public hearing but also the date the Planning Commission will meet to make the finding on public need. This item will, therefore, be brought back to the City Council for the rescheduled public hearing on October 20, 1993.

FUNDING: Not applicable.



Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/im

Attachment

cc: City Attorney
Community Development Director
Affected property owners

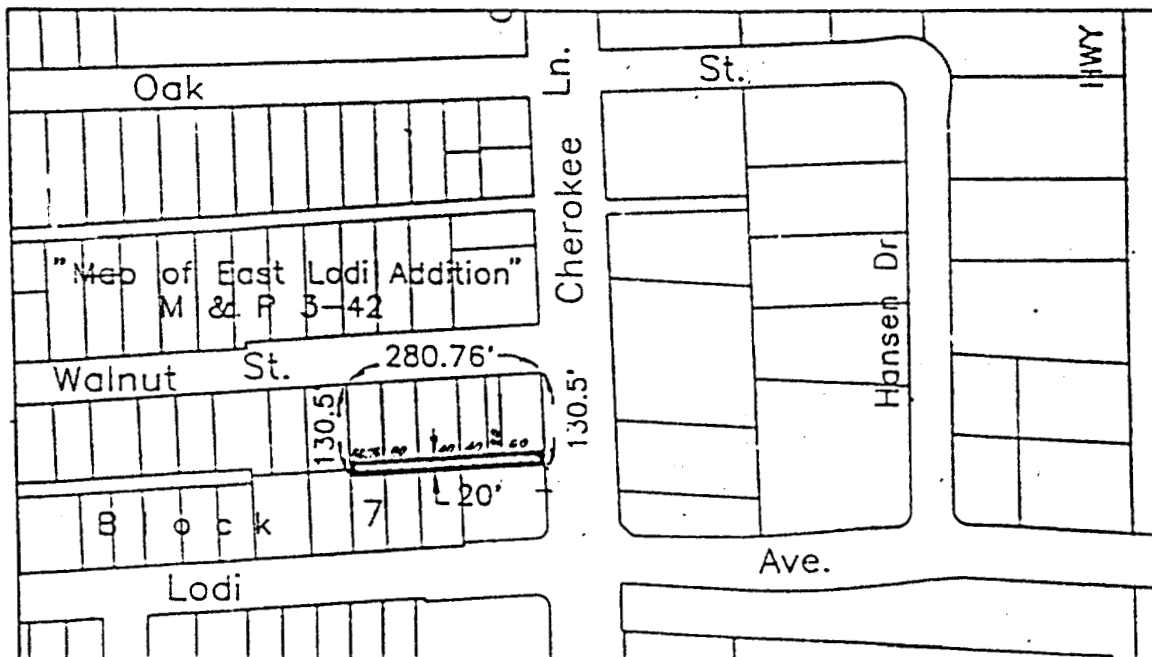


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

ALLEY ABANDONMENT



N.T.S.

RECEIVED

33 SEP 28 PM 1:56

JENNIFER M. PERRIN
CITY CLERK
CITY OF LODI

SEPTEMBER 27, 1993
520 VIRGINIA AVENUE
LODI, CA. 95240
(209) 368-9180

JENNIFER M. PERRIN
CITY CLERK
CITY OF LODI
305 WEST PINE ST.
LODI, CA. 95240

RE: PUBLIC HEARING OCTOBER 6, 1993 7:00 PM.

DEAR MS. PERRIN:

WE ARE THE OWNERS OF 519, 527 & 533 EAST LODI AVENUE AND WE WANT TO GO ON RECORD AS BEING OPPOSED TO THE CITIES INTENTION TO VACATE THE ALLEY.

AT THE TIME WE PURCHASED THE PARCELS WE WERE CONSIDERING BUILDING APARTMENTS OR BUILDING COMMERCIALLY SOMETIME IN THE FUTURE. WITH THIS IN MIND THE ALLEY ACCESS BECAME ONE OF THE MAIN REASONS FOR THE PURCHASES.

THE MORATORIUM ON APARTMENT BUILDING ON THE EAST SIDE TOOK AWAY OUR FIRST CHOICE FOR OUR INVESTMENT. AT THE PRESENT TIME THE VACANCY FACTOR OF COMMERCIAL BUILDINGS PUTS ON HOLD OUR SECOND CHOICE.

WE RESPECTFULLY SUBMIT THIS LETTER FOR CONSIDERATION BY THE CITY COUNCIL AT THE PUBLIC MEETING.

SINCERELY YOURS,

Dick & June Neuman

DICK & JUNE NEUMAN

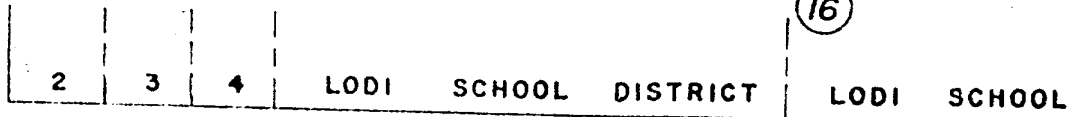
copy

ADDITION
BLOCK 2
LOT 20

EAST
BLOCK 1

LODI

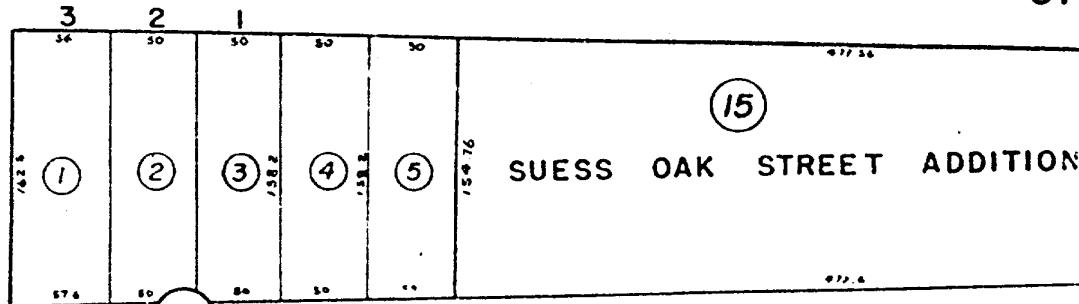
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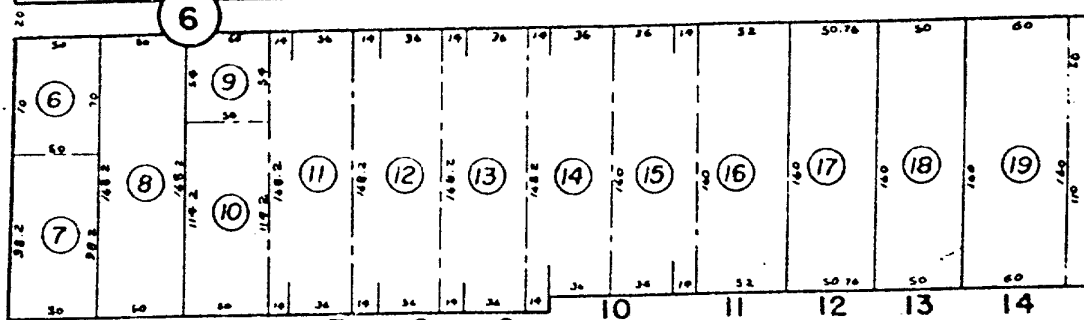
OAK

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STREET



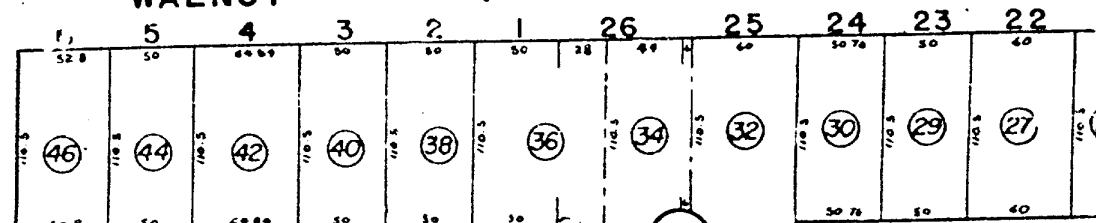
LODI
BLOCK 5
LOT 20



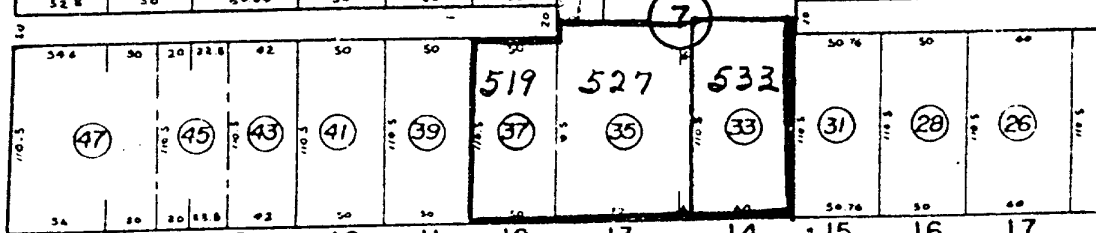
WALNUT

STR.

EAST
BLOCK 8
LOT 20



GARFIELD



LODI

AVENUE

BLOCK 3

BLOCK 4

LODI

BARNHART

THIS MAP IS FOR REFERENCE PURPOSES ONLY
AND IS NOT A PART OF ANY TITLE EVIDENCE.

Life Insurance and Trust Company

Bk.
47

Charo

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING - INTENTION TO VACATE THE ALLEY NORTH
OF EAST LODI AVENUE, FROM CHEROKEE LANE TO 280 FEET WEST OF
CHEROKEE LANE

PUBLISH DATES: SATURDAY, SEPTEMBER 4, 1993

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: SEPTEMBER 1, 1993

ORDERED BY:

Peggy Nicolini
PEGGY NICOLINI
DEPUTY CITY CLERK

ADVINS/TXTA.02J

DECLARATION OF MAILING

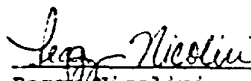
On September 10, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 10, 1993, at Lodi, California.

Jennifer M. Perrin
City Clerk



Peggy Nicolini
Deputy City Clerk

EXHIBIT A



CITY OF LODI
CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 6, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing
Please Contact:

JENNIFER M. PERRIN
City Clerk
Telephone: 333-6702

NOTICE OF PUBLIC HEARING

October 6, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Intention to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:


JENNIFER M. PERRIN
City Clerk

Dated: September 1, 1993

Approved as to form:


Bobby W. McNatt
City Attorney

MAILING LIST:
ALLEY ABANDONM'T
CHEROKEE/LODI AVE.
ENV#85/TXTA.02J/ENV

Vena M. Handel
523 E. Walnut Street
Lodi, CA 95240

EXHIBIT B

Lodi Retail Dev. Assoc
2680 North First Street #280
San Jose, CA 95134

Hazel Sattler
524 E. Lodi, Avenue
Lodi, CA 95240

Peter Farragher ETAL
526 E. Lodi Ave. #1
Lodi, CA 95240

Lloyd & Mildred Gums
731 Birchwood Drive
Lodi, CA 95240

Clayton G. Henson ETAL
520 E. Lodi Avenue
Lodi, CA 95240

Joseph & Nancy Spinelli
516 E. Lodi Avenue
Lodi, CA 95242

Wynston Margrave
6247 E. Jahant Road
Acampo, CA 95220

William Rebholtz ETAL
545 E. Walnut Street
Lodi, CA 95240

Emil & Billie Pansky
901 Jackling Drive
Hillsborough, CA 94010

B & L Katzakian
P.O. Box 1778
Lodi, CA 95241

Roger & J.D. Bentz
1506 Mariposa Way
Lodi, CA 95242

Staths & Areth Nicolau
541 E. Walnut Street
Lodi, CA 95240

Central Calif. Traction Co.
Atten: Howard Menking
1645 Cherokee Road
Stockton, CA 95205

Ronald & L.R. Celis
525 E. Walnut Street
Lodi, CA 95240

Bill & Anna Nicolaou
1502 Fir Avenue
San Leandro, CA 94578

Alex & K. Nicolaou ETAL
2437 Brittany Court
Lodi, CA 95242

Antonio & V. Hinojosa
514 E. Walnut Street
Lodi, CA 95240

Thelma C. Horst
508 E. Walnut Street
Lodi, CA 95240

Charles A. & J. Ouimette
517 E. Walnut Street
Lodi, CA 95240

Penny A. Riemersma ETAL
528 E. Walnut Street
Lodi, CA 95240

Stein, L.L. Life EST
2 Del Rio Court
St. Helena CA 94574

Lennette L. Evans
2 Del Rio Court
St. Helena CA 94574

Lorine Krein
540 E. Walnut Street
Lodi, CA 95240

David A. & F.E. Meagher
532 E. Walnut Street
Lodi, CA 95240

Michael A. & Jeane McQueen
518 Walnut Street
Lodi, CA 95240

Douglas & E.M. McPherson
515 E. Lodi Avenue
Lodi, CA 95240

George Richard Cecchetti
544 E. Walnut Street
Lodi, CA 95240

Paul & Sheryll Salsedo
542 E. Walnut Street
Lodi, CA 95240

Pamela J. Martinez ETAL
321 Greenway Drive
Martinez, CA 94553

Isabel Simonds
517 E. Lodi Avenue
Lodi, CA 95240

Louie Maurino
511 E. Lodi Avenue
Lodi, CA 95240

Richard & J. Neuman
520 Virginia Avenue
Lodi, CA 95242

Arthur Veil
11662 North Ham Lane #39
Lodi, CA 95242

Maria C. Gallo Arellano
541 East Lodi Avenue
Lodi, CA 95242

Henry & Karen Hansen
P.O. Box 437
Lodi, CA 95241

Atlantic Richfield Co.
P.O. Box 2485
Los Angeles, CA 90051

Randall H. Reiswig
P.O. Box 494421
Redding CA 96049-4421

Carmelo J. & P.S. Teresi
14776 Wells Avenue
Lodi, CA 95240

Jeannie Matsumoto

Sharon Blaufus

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: RESOLUTION NO. 93-107

PUBLISH DATES: TUESDAY, SEPTEMBER 21, 1993

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: SEPTEMBER 1, 1993

ORDERED BY:

Peggy Nicolini
PEGGY NICOLINI

DEPUTY CITY CLERK

ADVINS/TXTA.02J

RESOLUTION NO. 93-107

DECLARING THE INTENTION OF THE LODI CITY COUNCIL
TO VACATE AN ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO
280 FEET WEST OF CHEROKEE LANE

BE IT RESOLVED by the Lodi City Council as follows:

Section 1. It is the intention of the Lodi City Council, acting in accordance with the provisions of Part 3 of Division 9 of the Streets and Highways Code of the State of California, to vacate, close, and abandon as a public alley the following alley situated in the City of Lodi, County of San Joaquin, State of California, more particularly described as follows:

The alley located north of 225 South Cherokee Lane, as shown on Exhibit A attached hereto.

Reserving, however, and excepting from the vacation of said alley, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said alley.

Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

Resolution No. 93-107
September 1, 1993
Page Two

I hereby certify that Resolution No. 93-107 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider
and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk

RES93107/TXTA.02J

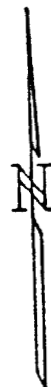
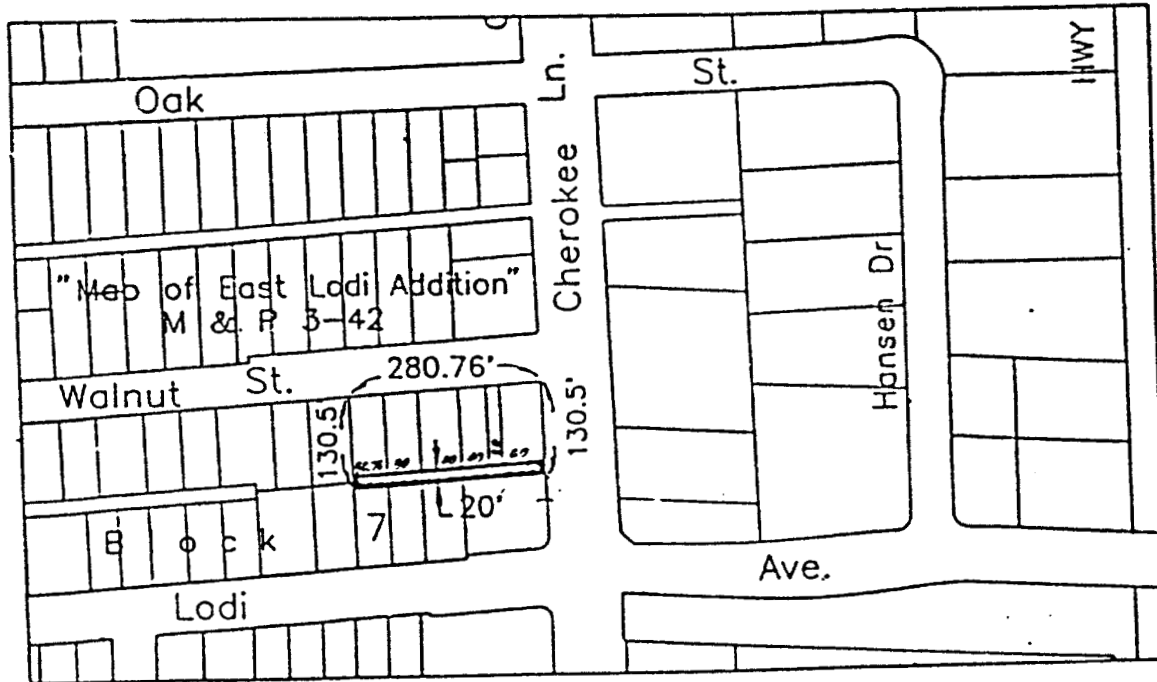


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

ALLEY ABANDONMENT



N.T.S.

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

October 1, 1993

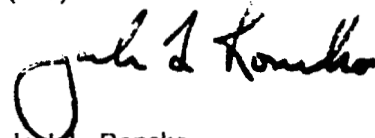
THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

SUBJECT: Reschedule Public Hearing to Consider Resolution/Order to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane, to October 20, 1993

This is to inform you that the public hearing scheduled for October 6, 1993, related to the above alley abandonment, has been rescheduled to October 20, 1993. Enclosed is a Council Communication which explains the reason for rescheduling.

This Council Communication also informs you, the property owner, that the Planning Commission will be hearing this matter on October 11, 1993, to make a finding of whether or not there is a public need. You, as a property owner, may want to consider attending both the Planning Commission Meeting and the public hearing at the City Council Meeting to make your position and views known.

If you have any questions concerning this, please contact Sharon Welch or me at (209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: Occupant
City Clerk ✓

*
PAMELA J MARTINEZ ET AL
321 GREENWAY DR
MARTINEZ CA 94553

KEVIN JANKE
PEGGY'S GROOMING
546 E WALNUT ST
LODI CA 95240

KENNETH R. ALBERG
550 E WALNUT ST
LODI CA 95240

211 CLUB
211 S CHEROKEE LN
LODI CA 95240

GEORGE R CECCHETTI
544 E WALNUT ST
LODI CA 95240

*
ATLANTIC RICHFIELD CO
P O BOX 2485
LOS ANGELES CA 90051

HILDENBRAND'S AM PM
MINI MART
225 S CHEROKEE LN
LODI CA 95240

*
RANDALL H REISWIG
P O BOX 494421
REDDING CA 96049-4421

ELSIE REISWIG
545 E LODI AVE
LODI CA 95240

LORINE KREIN ET AL
540 E WALNUT ST
LODI CA 95240

PAUL & SHERYLL SALSEDO
542 E WALNUT ST
LODI CA 95240

*
ARTHUR VEIL TRUSTEE
11662 N HAM LN #39
LODI CA 95242

OCCUPANT
537 E LODI AVE
LODI CA 95240

MARIA C GALLO ARELLANO
541 E LODI AVE
LODI CA 95240

* mailed 10/1/93

remainder hand-delivered 10/1/93
by PW Dept - staff

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF CONTINUED PUBLIC HEARING - INTENTION TO VACATE
THE ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO 280
FEET WEST OF CHEROKEE LANE

PUBLISH DATES: SATURDAY, OCTOBER 9, 1993

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: OCTOBER 6, 1993

ORDERED BY:

Peggy Nicolini
PEGGY NICOLINI
DEPUTY CITY CLERK

DECLARATION OF MAILING

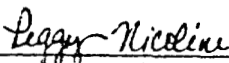
On October 7, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 7, 1993, at Lodi, California.

Jennifer M. Perrin
City Clerk



Peggy Nicolini
Deputy City Clerk



CITY OF LODI
CARNEGIE FORUM
305 West Pine Street, Lodi

EXHIBIT A

NOTICE OF CONTINUED PUBLIC HEARING
Date: October 20, 1993
Time: 7:00 p.m.

For information regarding this Public Hearing
Please Contact:
Jennifer M. Perrin
City Clerk
Telephone: 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

October 20, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a continued public hearing to consider the following matter:

- a) Intention to Vacate the Alley North of East Lodi Avenue, from Cherokee Lane to 280 Feet West of Cherokee Lane

(This matter has been referred to the Planning Commission and will be heard at it's regular meeting of October 11, 1993. Please contact the Community Development Department at (209) 333-6711 if you have any questions.)

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Jennifer M. Perrin
Jennifer M. Perrin
City Clerk

Dated: October 6, 1993

Approved as to form:

B W McNatt
Bobby W. McNatt
City Attorney

RESOLUTION NO. 93-107
=====

DECLARING THE INTENTION OF THE LODI CITY COUNCIL
TO VACATE AN ALLEY NORTH OF EAST LODI AVENUE, FROM CHEROKEE LANE TO
280 FEET WEST OF CHEROKEE LANE

=====

BE IT RESOLVED by the Lodi City Council as follows:

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Section 2. This matter is hereby referred to the Lodi Planning Commission.

Section 3. NOTICE IS HEREBY GIVEN that this City Council does hereby fix WEDNESDAY, OCTOBER 6, 1993 at the hour of 7:00 p.m. in the City Council Chambers, Carnegie Forum, Carnegie Forum, 305 West Pine Street, Lodi, California as the time and place when and where all persons interested in or objecting to the vacation herein proposed may appear before this City Council and be heard.

Section 4. Upon adoption of this resolution, the Superintendent of Streets shall post, or cause to be posted, notice of such passage and of the time and place set forth herein for public hearing, in accordance with and in the time, form and manner as prescribed by law for the vacation of streets.

Section 5. This resolution shall be published one time in the "Lodi News Sentinel", a newspaper of general circulation printed and published in the City of Lodi, said publication to be completed at least fifteen days prior to said hearing.

Dated: September 1, 1993

=====

RES93107/TXTA.02J

Resolution No. 93-107
September 1, 1993
Page Two

I hereby certify that Resolution No. 93-107 was passed and adopted by the Lodi City Council in a regular meeting held September 1, 1993 by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider
and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk

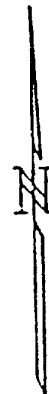
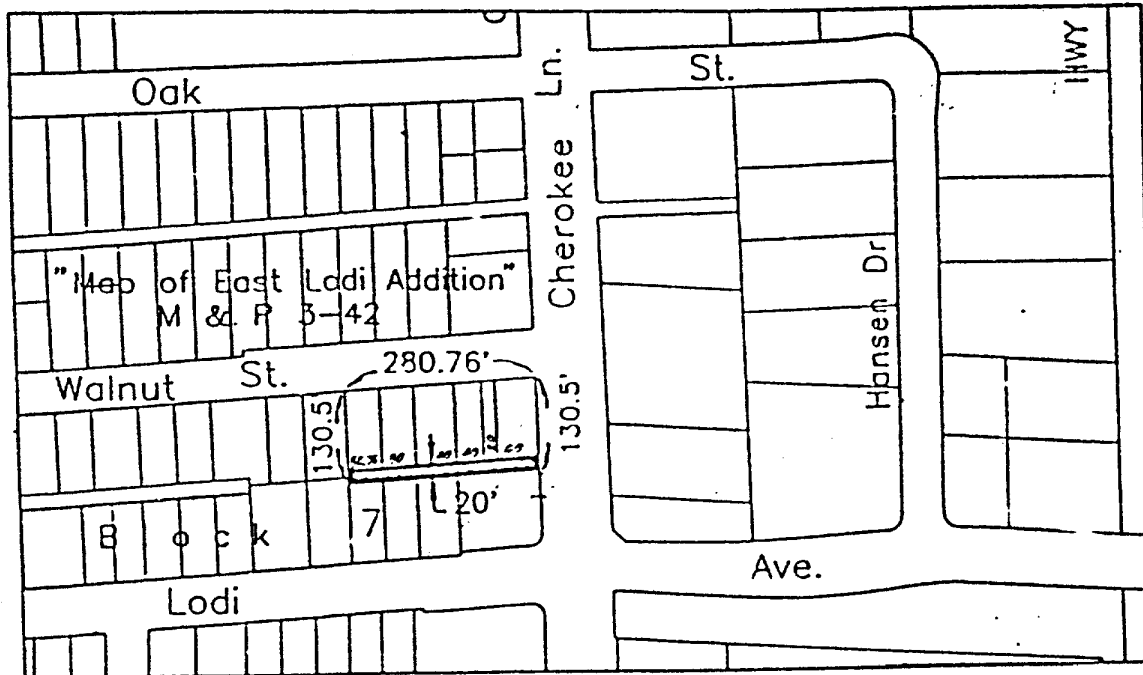
RES93107/TXTA.02J



CITY OF LODI

PUBLIC WORKS DEPARTMENT

ALLEY ABANDONMENT



N.T.S.

MAILING LIST:
ALLEY ABANDONM'T
CHEROKEE/LODI AVE.
ENV#85/TXTA.02J/ENV

Vena M. Handel
523 E. Walnut Street
Lodi, CA 95240

Lodi Retail Dev. Assoc
2680 North First Street #280
San Jose, CA 95134

Hazel Sattler
524 E. Lodi, Avenue
Lodi, CA 95240

Peter Farragher ETAL
526 E. Lodi Ave. #1
Lodi, CA 95240

Lloyd & Mildred Gums
731 Birchwood Drive
Lodi, CA 95240

Clayton G. Henson ETAL
520 E. Lodi Avenue
Lodi, CA 95240

Joseph & Nancy Spinelli
516 E. Lodi Avenue
Lodi, CA 95242

Wynston Margrave
6247 E. Jahant Road
Acampo, CA 95220

William Rebholtz ETAL
545 E. Walnut Street
Lodi, CA 95240

Emil & Billie Pansky
901 Jackling Drive
Hillsborough, CA 94010

B & L Katzakian
P.O. Box 1778
Lodi, CA 95241

Roger & J.D. Bentz
1506 Mariposa Way
Lodi, CA 95242

Staths & Areth Nicolau
541 E. Walnut Street
Lodi, CA 95240

Central Calif. Traction Co.
Atten: Howard Menking
1645 Cherokee Road
Stockton, CA 95205

Ronald & L.R. Celis
525 E. Walnut Street
Lodi, CA 95240

Bill & Anna Nicolaou
1502 Fir Avenue
San Leandro, CA 94578

Alex & K. Nicolaou ETAL
2437 Brittany Court
Lodi, CA 95242

Antonio & V. Hinojosa
514 E. Walnut Street
Lodi, CA 95240

Thelma C. Horst
508 E. Walnut Street
Lodi, CA 95240

Charles A. & J. Ouimette
517 E. Walnut Street
Lodi, CA 95240

Penny A. Riemersma ETAL
528 E. Walnut Street
Lodi, CA 95240

Stein, L.L. Life EST
2 Del Rio Court
St. Helena CA 94574

Lennette L. Evans
2 Del Rio Court
St. Helena CA 94574

EXHIBIT B

Lorine Krein
540 E. Walnut Street
Lodi, CA 95240

David A. & F.E. Meagher
532 E. Walnut Street
Lodi, CA 95240

Michael A. & Jeane McQueen
518 Walnut Street
Lodi, CA 95240

Douglas & E.M. McPherson
515 E. Lodi Avenue
Lodi, CA 95240

George Richard Cecchetti
544 E. Walnut Street
Lodi, CA 95240

Paul & Sheryll Salsedo
542 E. Walnut Street
Lodi, CA 95240

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